

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DR. GRETCHEN S. STUART, M.D.; *et al.*,

Plaintiffs,

v.

JANICE E HUFF, M.D.; *et al.*,

Defendants.

Civil Action No. 1:11-cv-804-CCE

**DECLARATION OF TRACIE JOHNSON IN SUPPORT OF
PROPOSED DEFENDANT-INTERVENORS' MOTION FOR INTERVENTION**

I, TRACIE JOHNSON, declare as follows:

1. I am not a party or related to a party in this action. I am over the age of eighteen and competent to testify in this matter. I currently reside in Iron Station, North Carolina and work as a professional interior designer in my solely owned proprietorship, Personal Touch Interiors (dba) PTI Design. I have read the Complaint filed herein and the recently enacted "WOMAN'S RIGHT TO KNOW ACT" being challenged in that Complaint on the various grounds set forth in this action. (H.B. 854, enacted July 28, 2011, N.C. SESSION LAW 2011-405, the "Act"). I seek to intervene as a defendant-intervenor in this action. I

am knowledgeable of the facts set forth herein and if called to testify would do so, as follows.

2. In 1989, I graduated from Crest Senior High School in Boiling Springs, North Carolina. Since 2002 I have been full time self-employed as the founding principal of my interior design business, PTI Design in Denver, North Carolina

3. Approximately May 1995 I had an abortion at an abortion clinic in Charlotte NC. At that time, I was 24 years old, a single mother, living in Charlotte, working two jobs and taking on additional odd jobs to pay the bills, with a 7-year old son, whose absent father had physically and verbally abused me prior to our divorce 5 years before and was providing no child support for us.

4. I only had an abortion because the father of the child, my boyfriend at the time, as soon as I told him I was pregnant, told me he wanted it “immediately taken care of.” He also said having an abortion “wasn’t a big deal” because he had helped his previous girl friend procure an abortion, and she was “fine.” He immediately called the abortion clinic and set up an appointment within the next week, He then drove me to the clinic and paid for the procedure. He told me he had no intentions of marrying me or raising the child. I felt entirely coerced by him and by the other circumstances of my life.

5. The day of the abortion I took the day off work. As my boyfriend drove me to the abortion clinic, I felt all alone with nobody supporting me. I remember being extremely anxious, scared, nauseous and nervous. I was quite terrified, with many questions I

wanted to ask to relieve my growing reservations about the abortion. But my boyfriend just dropped me off and drove away. To the best of my knowledge, he had already paid for my abortion because I have no recall that I ever paid for anything.

6. My first and clearest recollection is that one of the ladies, evidently seeing my anxiety and nervousness, offered me some medication in a little white cup that she said would “calm my nerves.” After I took the pill, I sat and waited. I recall becoming increasingly sedated and thinking to myself that it’s too late now because the drug is taking effect. There were other girls in the waiting room with me, but no one spoke. I thought everyone was sedated before having an abortion, no questions asked.

7. I was so sedated that the next memory I have was being on an examining table with two people standing over me. I don’t remember disrobing or getting onto the examination table. I believe I was unconscious for the entire abortion procedure.

8. After the abortion procedure was completed, the only thing I recall was getting into my boyfriend’s borrowed car, reclining completely back in the seat, and feeling sick at my stomach, the next thing I recall was being at home sick to my stomach.

9. I do not recall giving my truly voluntary or informed consent to any aspect of the abortion procedure. I do not recall being given any sort of blood test or an ultrasound examination. If I received such tests, I have no recall of being told the results or receiving any explanation from anyone regarding the risks and complications of the abortion procedure. I do not recall being presented with any papers to sign or signing any

papers at the abortion clinic. I do not recall being shown or even invited to see any sort of ultrasonic real-time image or static picture of my second pregnancy before it was terminated. I don't believe I was informed of the name of the abortionist. I do not believe I ever spoke with the abortionist nor had any opportunity to ask the abortionist any of my questions. I have very little recall of my abortion and I believe that I never gave a truly voluntary and informed consent to my procedure because at all relevant times I was sedated, or didn't even know that I was supposed give such consent. When I walked into the abortion clinic I felt like I was being coerced and pushed by my boyfriend into something I did not want to do. I thought the medication was given to me to make it easier.

10. After my abortion I immediately became very depressed, and felt like I was dealing with something that I should keep a complete secret. I didn't want to see my boyfriend anymore because I inwardly blamed him for coercing me into my abortion when I had thought I could trust him. From this point on my life became a blur to me. Even though I tried to be a good mother and hold down all my jobs, I felt like I wanted to die but I had to take care of my son, who ended up moving in with my parents over that summer so I could try to recover from my abortion.

11. In the Fall of 1995, I moved across town and shunned all of my old friends. I started drinking more and going out more and more just trying to run from reality. It was at this time that I met my current husband and we began dating. In 1996, when my lease

on my apartment expired I moved into my current husband's home. Later that year as our relationship soured I moved out into my own apartment again, only to learn to I was pregnant with my third child.

12. After my third child's father insisted I take a second pregnancy test that confirmed to us that I was pregnant, he told me that he wasn't ready to marry me or become a father to another child. He also said that I "had to do something about it." In response, because of all that I had suffered from my abortion, I told him that I was going to have this child with or without his help. Even when he offered me a large sum of money and to pay for the abortion, I refused to even consider a second abortion.

13. Although I had seen a very fuzzy and non-descript ultrasound of my first child during his second trimester, I was not prepared for the clarity of the first trimester ultrasound of my third child, Ethan, when I saw it at University Obstetrics and Gynecology Associates in Charlotte. If prior to my abortion I had seen such a clear ultrasound and received such a good medical description of what the ultrasound was depicting as I saw and heard when I first saw Ethan and heard his heartbeat, I never would have gone through with my abortion.

14. During my pregnancy with Ethan, Ethan's father and I reconciled and he graciously agreed to provide housing and other support for Ethan and me, even though we were not married or had any intention of marrying at that time.

15. After Ethan was born in 1997 and had turned six months, I left the housing that had been provided for us by Ethan's father and moved into my own apartment. Ethan's father continued to provide for our son Ethan's support and to actively be a good father to Ethan.

16. In 1998, I was still suffering from my abortion constantly tormented by the vision of a small child asking me, "How old do you think I am?" I began to think that I had aborted a little girl. I began praying to God for his help and healing. I began to think that God was listening to my prayers when my employment situation greatly improved without any effort on my part. I began attending Christ Community Church in Huntersville, North Carolina. I confessed my sins, including my abortion, and became a born-again Christian. As I did so, I felt my heart beginning to heal from my abortion.

17. In 2002, Ethan's father asked me if we could begin dating again. We married that summer just before Ethan started kindergarten.

18. Based upon my own experiences set forth above, I believe that I did not give a truly voluntary and fully informed consent to the abortion of my second child. Had the abortionist complied with the provisions of the Act challenged in this case, before performing the abortion, I am certain I could not have lawfully consented to my abortion.

19. Based on my personal experience, I believe that every woman needs to undergo an ultrasound before obtaining an abortion, and that the ultrasound images should be displayed and explained to her prior to the performance of the abortion, as well as the

fetal heart tones made available to her, as is required by the Act being challenged in this case.

20. Based on my personal experience, I believe that sharing the information provided by the ultrasound with the woman is necessary in order to allow her to make a truly voluntary and fully informed decision about whether to continue or terminate her pregnancy, not only for the sake of her health, but for the sake of her child's life.

21. Based upon my own personal experience set forth above, I conclude a woman can be too sedated to make a truly voluntary and informed decision about what an abortion is and what risks and adverse complications can arise from abortion. The Act would make such an occurrence unlawful.

22. Because the facts as I know them from my own personal experience are directly contradicted by factual allegations and expert opinions that are being alleged and have already been offered in evidence by the plaintiffs and cited by the Court in this case, I seek to intervene as a defendant-intervenor to protect my own legal interests advanced and protected by the Act, as well as to adjudicate the common issues of law and fact raised by the Complaint in this matter. I will do nothing to unduly delay or prejudice the

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adjudication of the original parties' rights in this case.

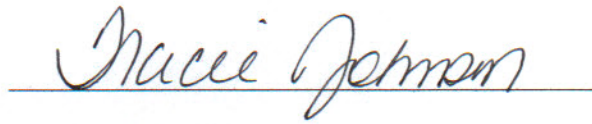
I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct and was executed on November 3, 2011.

/s/ Tracie Johnson

Tracie Johnson

adjudication of the original parties' rights in this case.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct and was executed on November 3, 2011.

A handwritten signature in cursive script, reading "Tracie Johnson", is written over a horizontal line.

Tracie Johnson